Breakthrough Britain

Every Family Matters

An in-depth review of family law in Britain

EXECUTIVE SUMMARY

This is the Executive Summary of the Centre for Social Justice report, *Every Family Matters*. For further information or to download the full report please visit www.centreforsocialjustice.org.uk

The general collapse of ordinary family life, because of the breakdown of families, in this country is on a scale, depth and breadth which few of us could have imagined even a decade ago. [Government] is allowing the whole family justice system to be starved to death. It fails to recognise the singular importance of the family justice system to the functioning of our society.

Mr Justice Coleridge[1]

As long as solicitors and Society continue to view divorce and custody as adversarial, i.e. that there should be a 'winning' and a 'losing' side, then the issue of where the children from these relationships should spend their time will be a painful, expensive battleground for those involved.

Angela, daughter 11, son 10

Introduction

The importance of the family cannot be overstated. A child's physical, emotional and psychological development occurs within the family environment; it is where the vast majority of us learn the fundamental skills for life. However family stability in Britain has been in continuous decline for four decades. Increasing numbers of adults and children have experience of family life which is dysfunctional,

1 Mr Justice Coleridge, speech to Resolution National Conference, April 2008

fractured, or fatherless, and their life chances are often adversely affected because of this. The personal cost, financially and emotionally, to individual family members and children is high; so too the costs to our nation. The direct financial cost of family breakdown to the country is estimated to be in excess of £20 billion per annum.[2] The indirect cost is substantially higher. This financial and human cost cannot be continued, nor can it be afforded, and the current economic climate only increases the imperative for action. The trend of family breakdown must be reversed, and policies must be implemented to support and strengthen family life in Britain.

The final report from the Social Justice Policy Group (SJPG), *Breakthrough Britain Family Breakdown,* recommended that there be:

> ***A review of family law conducted by a dedicated independent commission.*** *The relationship between the law and family breakdown and legal aspects of marriage, divorce, cohabitation, parental rights and the rights of the extended family (especially grandparents) are highly complex but require consideration. We recommend that this be carried out under the auspices of an independent body such as the Centre for Social Justice.*

The commission was duly established by the Centre for Social Justice in Autumn 2007 and comprises experts from the fields of family law and social policy. It met with and took evidence from a total of 115 consultees and represents one of the most comprehensive reviews of family law reform for 40 years.

The common thread running through this review is how the law, legal procedures and processes, and ancillary functions might better support and encourage stability and commitment in relationships. In keeping with the research findings and recommendations of Breakthrough Britain this review works from an underlying assumption that marriage should be supported both in government policy and in the law and that healthy, two-parent families represent the best environment for both children and adults.

Section 1 The Need for Family Law Reform

THE ROLE OF THE LAW (SECTION 1.2)

A review of family law is considered to be necessary as part of a concerted effort to stabilise and support relationships within our society. The law plays an important role in shaping expectations surrounding family life, impacting relationships both directly and indirectly. However for the past four decades Parliament has not given sufficient attention to family life through failing to enact necessary and appropriate changes to family law in England and Wales. As a consequence, where family life needs and seeks the assistance of family law, some statute law is acknowledged now as being out-dated, failing to reflect changes in family life and parenting patterns. In addition, it is in places overlaid with confusing and sometimes contradictory judge-made law.

> “Data shows that only 8 per cent of married parents, compared to 43 per cent of unmarried parents, had separated before their child's fifth birthday.”[3]

2 Social Justice Policy Group, 2006, 'Fractured Families' Volume 2 of *Breakdown Britain*, Centre for Social Justice, p68, n12

3 Kiernan, K.,1999, 'Childbearing outside marriage in Western Europe' *Population Trends*,Vol.98, pp.11-20. See also Social Justice Policy Group, 2006, 'Fractured Families' Volume 2 of *Breakdown Britain*, Centre for Social Justice, p30

PRINCIPLES OF FAMILY LAW REFORM (SECTION 1.3)

The following are underlying principles and elements of law considered very important, with some, naturally, being more crucial for certain areas of reform than for others. (The only recent attempt to state principles for family life in legislative reform was section 1 of the *Family Law Act 1996* which we strongly recommend should be brought back into primary legislation at the next convenient legislative opportunity.)

- **Support for marriage, married couples and the institution of marriage;**
- **Support for family life;**
- **Every reasonable opportunity to save saveable marriages and other domestic relationships;**
- **Looking after the best interests of children;**
- **Protection of the vulnerable and potentially vulnerable,** especially in matters of safety and personal protection;
- **Fairness and justice,** and being seen to be fair and just;
- **Access to justice for all;**
- **Clarity, certainty and predictability of outcomes;**
- **Simplification and accessibility of procedure;**
- **Consistency of outcomes across the country and between similar cases;**
- **Impact on court resources, legal aid and other direct costs;**
- **Encouragement to private ordering** (with couples being strongly encouraged, after having obtained appropriate legal and practical advice and information, to reach agreements themselves if they are happy to do so);
- **Encouragement to settle out of court through Alternative Dispute Resolution and other means;**
- **Principle of 'no fiction' or artificiality in procedure, in court forms or in the law;**
- **No bargaining chips;**
- **Judicial continuity wherever possible;**
- **Sanctions against disproportionate legal costs;**
- **Greater court management;**
- **Overcoming delays in court procedures and with greater case management;**
- **Taking account of international trends;**
- **Creating a law which respects national mores and values yet also respects international families from different backgrounds.**

The Working Group believes that the core tests for any reform proposal must be that it ensures the best interests of children, the safety and well-being of family members and fairness and justice within society. More specifically we test reform proposals on the anvil of support for marriage and the institution of marriage. Accordingly certain proposals, for example financial remedies on divorce, must be seen in their own right according to what is fair and just but also considered in light of the impact they will have on the respect for marriage and marriage commitment.

YOUGOV POLLING (APRIL 2008 AND JANUARY 2009)

The Centre for Social Justice commissioned YouGov to conduct a poll of people's attitudes towards the law of marriage:

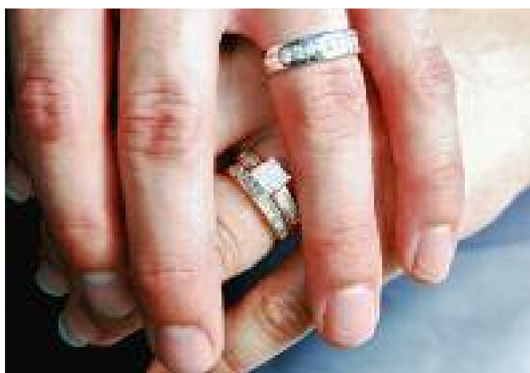
- 84 per cent agreed that it is important for the law to support marriage, with 52 per cent saying that it is very important;
- 57 per cent thought that the law should promote marriage in preference to other kinds of family structure such as cohabitation, compared to 27 per cent who did not;

- 58 per cent thought that giving cohabitants similar legal rights to marriage would undermine marriage and make people less likely to bother to get married;
- 85 per cent supported giving extra financial incentives to married couples though the tax systems as a way of promoting marriage;
- 60 per cent thought that prenuptial agreements are a good idea for some people and should be legally binding if a couple do divorce;
- Only 8 per cent of married couples took marriage preparation classes before they got married;
- 81 per cent support relationship counselling being made available to help people whose relationships are in trouble;
- 84 per cent thought that it would be a good idea if drugs courts were more widely available across the UK.

Section 2 Family Law and Family Relationships in the UK today

MARRIAGE IN THE UK (SECTION 2.1)

Rather than treating marriage as a 'magic bullet', previous CSJ reports have emphasised that attitudes and behaviours which tend to be more associated with marriage than cohabitation, for example future-orientation, willingness to sacrifice/invest, greater role specialisation (although not necessarily along traditional lines), are contributors to greater stability and better outcomes for adults and children. For example, married couples are far less likely to break up than couples who live together without getting married, even after adjusting for the influence of such factors as income, age and education. Data shows that only 8 per cent of married parents, compared to 43 per cent of unmarried parents, had separated before their child's fifth birthday.[4] The empirical evidence in *Breakdown Britain* and *Breakthrough Britain* shows that intact marriages tend to provide more beneficial outcomes for adults and children than cohabitation and single parenthood. Children tend to do better in the areas of physical and emotional health, educational achievement, financial security and their ability to form their own future stable families.[5] Despite this clear and overwhelming evidence there has been a lamentable lack of active government and parliamentary support for marriage.



(Photo by Athena Vina)

A feature of modern British society and many other Western societies is cohabitation outside marriage. Often this is portrayed as having been a recurrent theme within British history, an inevitable progression within society and an aspect that must be accepted. This is refuted by this report. Important research shows instead that cohabitation has not been a significant feature throughout British social history.[6] Periods of higher levels of illegitimacy are explained by factors such as people's economic situation rather than cohabitation. Research commentators put the material increase in cohabitation only from the 1970s

4 Kiernan, K.,1999, 'Childbearing outside marriage in Western Europe' *Population Trends*,Vol.98, pp.11-20. See also Social Justice Policy Group, 2006, 'Fractured Families' Volume 2 of *Breakdown Britain*, Centre for Social Justice, p30

5 See for example: Neyer, F. and Lehnart, J., 2006, 'Personality, Relationships and Health, a Dynamic Transactional Perspective,' *Handbook of Personality and Health*, Chichester,Wiley; Brewer, M., Goodman, A., Shaw J., & Sibieta L., 2006, *Poverty and Inequality in Britain: 2006*, IFS; Sarantakos, S., 1996, 'Children in three contexts: family education and social development,' *Children Australia*, Vol. 21, Cited in Social Justice Policy Group, 2006, 'Fractured Families', Volume 2 of *Breakdown Britain,* Centre for Social Justice, p46-57

6 See Probert R, 2008, 'Common law marriage: myths and misunderstandings' *Child and Family Law Quarterly*, 20, 1-22

onwards. It is now at levels not previously seen and indeed the UK has one of the highest rates of cohabitation across the Western world.

Whilst undoubtedly there has been a dramatic increase in cohabitation, this must not obscure the fundamental fact that in twenty-first century Britain marriage is still the most common form of partnership for men and women. In 2001 there were more than 11.6 million married couple families in the UK, compared with around 2.2 million cohabiting couple families.[7] The Office for National Statistics states that: 'The traditional family structure of a married mother and father with a child or children remains the most common family type. More than 8 million (64 per cent of) dependent children lived with married parents in the UK in 2008.'[8] This compares to 13 per cent living with cohabiting couples and 22 per cent with lone mothers.[9]

Furthermore, results from the British Household Panel Survey show that for those under 35 currently in cohabiting relationships, formalising a relationship through marriage is a widely held aspiration, and that 75 per cent want to marry.[10]

The rise of cohabitation does not mean there is a consequent disinterest in the formalised commitment of marriage. The conclusion that marriage remains a personal ideal in twenty-first century Britain accords with the demographer Andrew Cherlin's description of marriage as a 'Super-relationship' whereby 'its symbolic significance has remained high and may even have increased. It has become a marker of prestige and personal achievement.' [11]

Legal marriage has both private and public functions. Its private function is to help individuals to make credible commitments to each other. Through this, the institution of marriage gives them the confidence to invest time and resources in their relationship. Its public function is (at a minimum) to consolidate relationships that are considered beneficial to third parties, such as children, relatives and society at large.

FAMILY BREAKDOWN (SECTION 2.2)

This report confronts the major challenge of family breakdown in the UK today. It has become a fundamental and entrenched cultural experience directly affecting an estimated third of the UK population and indirectly affecting countless more across all ages and social backgrounds. Moreover this is not a purely private issue, affecting only the couple themselves. Children are often profoundly affected by parental separation, often carrying the scars into their adult lives and personal relationships. Nowadays we see many couples entering marriage with high expectations but much lower capacities to realise those expectations and little understanding of the long-term nature of the commitment.

The cost to our nation of relationship breakdown has been estimated at £20-£24 billion, between £680 and £820 for every taxpayer.[12] The cost to the nation of supporting a single-parent family is between £4,000 and £15,000 per annum. Other research puts the cost of family breakdown at a staggering £37 billion.[13] The culture of relationship breakdown must change for economic as well as social reasons. Our nation simply cannot continue to afford the cost.

7 ONS, 2008, Social Trends 38

8 ONS, 2009, Social Trends 39, p16

9 Ibid

10 *Marriage still the Ideal for many couples currently living together,* http://www.lse.ac.uk/collections/pressAndInformationOffice/newsAndEvents/archives/2007/MarriageStillIdeal.htm

11 Cherlin, A., 2004 'The Deinstitutionalization of American Marriage', *Journal of Marriage and Family* 66, pp. 848–861

12 This figure was a conservative estimate made by the SJPG, when taking into account the ONS data on the number of taxpayers, compared with IFS figures on child support and taxes and benefits relating to children and known figures on the cost of income support, as well as further costs to society from areas such as unemployment and crime which are the indirect result of family breakdown. For more details see Social Justice Policy Group, 2006, 'Fractured Families' Volume 2 of *Breakdown Britain*, Centre for Social Justice, p68

13 Relationships Foundation, 2009, *When Relationships go Wrong: Counting the Cost of Family Failure*

Mr Justice Coleridge highlighted the important role of the family in a key speech in April 2008 saying that 'For as long as history has recorded these things, stable family life has been co-extensive and co-terminus with a stable and balanced society. Families are the cells which make up the body of society. If the cells are reasonably healthy, the body can function reasonably well and properly.'[14]

However he warned of negative impact when the family structure and family relationships across society consistently break down, concluding that 'family breakdown and family justice needs to be at the top of the political and justice agenda. The maintenance of the family and family life in this country is the priority. It is nothing less than the business of the preservation of our society…It requires a full time minister devoting his or her energies to nothing else. It calls for a complete change of attitude by those who govern or would aspire to do so.'

He goes on to ask, 'Is it fair that there should be two tiers of children, those who have received a reasonable and secure upbringing and those who have suffered the traumas of family breakdown for most of their minority?' He ended his call to government and to the public as follows: 'We are sleep walking to the edge of the precipice.'

This report brings together, in a holistic and joined-up way, many recommendations to help individual couples and their children at a micro-level and to change the deep-seated culture of relationship breakdown at a macro-level.

DIVORCE LAW IN THE UK (SECTION 2.3)

Divorce is the foundation of so much in family law: divorce law, procedure and practice inform the thinking of many on marriage, stability and commitment and what should happen on marriage breakdown. The evidence is compelling that the law and ancillary procedure are causally implicated in high rates of family breakdown. If the law is more powerful (although only as one factor among many) than has previously been acknowledged, then its potential role as a *stabilising* factor should be properly investigated.

We are concerned about the signal that no-fault divorce sends about marriage, marriage commitments and the ease of opportunity to leave a marriage. Although the grounds cited are often not the real reason why the marriage has ended, and references to blame and fault can provoke much discord and unhappiness, there are some cases in which the fault basis does indeed recognise the reality of the breakdown of the marriage. There are some petitioners who want this recognition. Whilst in most marriage breakdowns there is fault on both sides, there are also some where fault lies wholly or very substantially with one spouse alone and it would be wrong in these cases for there not to be any fault basis. However, other reform issues affecting families and family law have much greater priority. This is an area which has previously divided Parliament and the public and may do so again if no-fault divorce was proposed, distracting attention from more fundamental issues and very necessary reforms.

Parliament decided in the 1996 legislation that there were significant benefits in having a three month period of reflection and consideration at the outset of the divorce process. **This report concludes that such a period would be beneficial, commenced with a short, neutral notice.**

COHABITATION (SECTION 2.4)

Over the last ten years the proportion of cohabiting couple families in the UK has increased from nine per cent to 14 per cent.[15] The UK has one of the highest numbers of births occurring outside marriage. The continued

14 Speech by Mr Justice Coleridge to Resolution National Conference, April 2008. For full speech see Appendix 4. See also his speech to the Family Holiday Association, House of Commons, 16th June 2009

15 ONS, October 2007, Focus on Families: Overview of Families,. http://www.statistics.gov.uk/CCI/nugget.asp?ID=1865&Pos=1&ColRank=2&Rank=1000

ongoing rise in family breakdown in the UK (affecting many young children) has been driven by the dissolution of cohabiting partnerships, as divorce rates have remained high, but stable.

Unlike marriages or civil partnerships, when cohabitants separate the courts do not automatically have the power or discretion to adjust a couple's assets by way of property adjustment orders, lump sum orders, or periodical payments to meet maintenance needs. However, before there is any dramatic change of the law, especially to promote equivalence to marriage, we consider there should be a much more concerted and urgent attempt to highlight for cohabitants their lack of legal protection and available existing remedies.

Breakthrough Britain expressed:

> *…grave concern over the negative implications of imposing rights and responsibilities on cohabiting couples. Notwithstanding individual cases of apparent injustice, many cohabitees have voluntarily chosen to reject marriage with the protection it provides. The liberal argument that people should not be penalised for this choice is flawed. Attaching legal provision would be illiberal (because it imposes a contractual obligation not freely entered into) and intrusive and would encourage inherently more unstable relationships.*[16]

It concluded that if we want to encourage a high-commitment culture and break the relationship breakdown culture, it is counter-intuitive to make additional provisions within the law for lesser forms of commitment.

We have made significant proposals in the report for reform of ancillary relief financial provision on divorce, when a marriage is brought to an end and also on dissolution of civil partnership. These are the primary status-recognised relationships in society and are the priority areas for reform. There should be no statutory reform of cohabitation law until Parliament has had the opportunity to consider reform of ancillary relief financial provision on divorce.

There are many different categories of cohabitants. Some specifically do not want the obligations, commitments, legal burdens and other features of marriage and so reform should not be automatically imposed upon them, even with problematical opt out provisions. Moreover there are steps which can be taken by those in a cohabitation relationship to record their intentions regarding the financial aspects of the relationship and other existing remedies.

Finally, we have a major concern about the impact of cohabitation law reform on marriage. Within this area of social life, changes and trends occur often relatively slowly but then with a deep-seated effect. It may be years, even a generation, before the effect of cohabitation law reform would be known. **We recommend instead more education of couples to raise greater awareness of their rights and limitations in their relationships, and opportunities to provide certainty and planning in their financial affairs.**

CIVIL PARTNERSHIP (SECTION 2.5)

The legislation governing civil partnership is still very much in its infancy. It will take several years for reliable patterns of formation and dissolution of same-sex registered partnerships to become evident. As a consequence, in this report we are not making any recommendations or proposals in respect of civil partnerships.

16 Social Justice Policy Group, 2007, 'Family Breakdown' Volume 1 of *Breakthrough Britain*, Centre for Social Justice, p10

Section 3 Family Law and Family Life Support

PRE-MARRIAGE INFORMATION AND PREPARATION (SECTION 3.1)

Our society has countless requirements for preliminary information, guidance, training, coaching and qualifications before certain steps or actions can be taken, not least because of the costs and implications. Yet marriage can be entered into easily, quickly and with little understanding of its implications, responsibilities and pressures. The lack of any widespread preparation for marriage within our society is stunning by its omission.

Marriage preparation can significantly reduce the possibility of marriage breakdown. The evidence is clear that good quality, focused and well delivered pre-relationship information and preparation significantly adds to the quality of the relationship, assists in parenting skills and awareness, alerts people to crisis points within relationships and provides information on where, when and how to seek help during relationship difficulties.[17] It provides couples with the opportunity to take a step back to learn skills and begin to develop good habits, to understand choice and commitment, and to set in place the foundations for the years to come. There is already some pre-marriage preparation, some of very high quality. However, provision is currently very disjointed, with no consistent quality control or standardisation and it needs much greater support and encouragement.

This report concludes that there should now be **strong Government encouragement of couples getting married to take part in high-quality, standardised and accredited pre-marriage information and preparation, delivered in an accessible fashion.** This will also work in some instances alongside our recommendation that there should be binding marital agreements, including pre-marriage agreements, for those who want to enter into them, subject to certain preconditions and safeguards.

MARRIAGE SUPPORT (SECTION 3.2)

Couple relationship education should not stop at the date of marriage. We have reviewed the different forms of couple relationship education presently available. Evaluations of effective relationship and parenting skills programmes show that they can improve relationship adjustment and parenting behaviour as well as reduce family conflict and divorce.[18] Building upon the pre-relationship information, this report concludes that **there should be much stronger encouragement for couples to take part in relationship education whilst the relationship is healthy and intact, as evidence shows tangible benefits.**[19]

As part of reversing the culture of relationship breakdown, it will be important to create an awareness of the importance of relationship information and assistance and a willingness to seek that assistance rather than simply accept the inevitability of relationship difficulties or breakdown.

Although in this section reference is made to couple relationship education in the context of an ongoing relationship, we also recommend that the educational curriculum for **young people should include lessons about family relationships, including differences between marriage and cohabitation and the impact of separation on children.**

UK FAMILY RELATIONSHIP HUBS (SECTION 3.3)

Many excellent family support services exist across the country but provision is patchy and there are inconsistent standards of delivery. There is a need for some unifying and centralising resource for the services. The review conducted a study visit to Australia to look at their Family Relationship Centres and **recommends that a similar model in certain respects should be introduced.** We call them Family Relationship Hubs to concentrate on their

17 Carroll, J. & Doherty, W., 2003, 'Evaluating the effectiveness of pre-marital prevention programs: A meta-analytic review of research' *Family Relations*, 52, 112-113

18 Benson, H., 2005, *What interventions strengthen family relationships: A review of the evidence.* Paper presented at 2nd National Conference on Relationships Education, London

19 Most available research has been done on the US. For example, Halford, K.,Markman, H., Kline, G. & Stanley, S., 2003, 'Best practice in couple relationship education' *Journal of Marital and Family Therapy*, 29, 385 – 406; Stanley, S., 2001, 'Making a Case for Pre-marital Education' Family Relations, 50, 272-280; Carroll, J. & Doherty,W., 2003, 'Evaluating the effectiveness of pre-marital prevention programs: A meta-analytic review of research' *Family Relations*, 52, 105-118

A Family Relationship Centre in Caringbah, Sydney, that the Family Law Review visited.

focus of bringing together the various services available locally. The Family Relationship Hubs will not necessarily provide all of the services and resources, although they may do so in some instances. They will however coordinate what is available, identify what additional services and resources are needed and inform the public of the available resources and services. These should include pre-marriage information, couple relationship support and parenting skills programmes as well as certain information before the commencement of family court proceedings.

They can build on existing infrastructure and services with potentially large costs savings advantages. In particular, **we want to explore use of existing Surestart Children's Centres. We recommend a similar situation in the UK, as in Australia, in terms of high visibility. By being distinctively and nationally branded with quality assurance, high profile and as a hub to the many local and national services, they will soon become the central core service for families at all stages.**

RELATIONSHIP SUPPORT: CONCLUSION

The UK has never before had such a consistent approach to marriage and family support, with provision of services across the spectrum of society and throughout the various stages of domestic relationships. We consider these combined services and recommendations will make a dramatic difference to the family breakdown culture in our country and hugely benefit the experience of family life:

- **Information to be provided at the beginning of a relationship to strengthen and prepare for the relationship;**
- **Marriage support in various forms of couple relationship education, including appropriate intervention at specific times in the relationship;**
- **Local centres to provide information and resources to help individuals and families;**
- **Mandatory referral to information before the commencement of court proceedings;**
- **Mandatory attempt at resolution in children matters before proceedings.**

Section 4 Family Law and the Family Law Process

INFORMATION BEFORE THE ISSUE OF PROCEEDINGS (SECTION 4.1)

The judiciary and many others across the family law professions with whom we consulted were clear that too many people were entering into family court proceedings without being fully aware of direct and indirect costs, wider implications and prospects of reconciliation. More information about the legal, practical and emotional impact of divorce on families and children and what it may involve might have changed the approach and the nature of the proceedings and timings, if not the outcome. Given the lack of success of the Family Advice and Information Service (FAInS) project and the difficulties of getting people to sources of information other than family lawyers, delivery of information is problematic.

Information prior to the issue of proceedings should best be seen in the overall context of the provision of relationship information (relationship education in schools, pre-marriage information, couple relationship education, parenting skills and resources available at times of relationship difficulties). This reduces the sense that obtaining such information is an unwelcome hoop people need to go through and will assist in the process of removing the perception of family lawyers as always and inevitably the first port of call. **We recommend the use of new communication technologies to assist the dissemination of information.**

We recommend that **before any proceedings in family law can be commenced, with certain exceptions, the applicant must have had the opportunity to consider information** on reconciliation opportunities and resources, Alternative Dispute Resolution, impact on children, costs and court procedures and other relatively basic information. A certificate of attendance would be required before proceedings could be issued.

It is anticipated that the Family Relationships Hubs will play a crucial role in overcoming some of these problems, and in providing referrals to appropriate services and resources. The Hubs would work closely with HM Courts Service.

ALTERNATIVE DISPUTE RESOLUTION (ADR) (SECTION 4.2)

The vast majority of cases do not need to go to a final court hearing and the family law system must be directed more specifically and overtly to finding ways to encourage a settlement without a final court hearing through using Alternative Dispute Resolution methods (ADR).

Every opportunity should be given to the parties to explore appropriate ADR to save legal costs and avoid the polarisation and contention inherent in final hearings and generally to benefit the parties and any children.

There is an obligation on anyone seeking public funding (legal aid), to attend a meeting to consider whether mediation may be suitable; however it is inevitably very limited because it does not apply to private paying parties. We propose that it should be **mandatory to attend an information provision meeting, to include a full explanation of ADR, before commencing any form of family law proceedings and then to certify attendance before proceedings can be issued by the court.** This would be extended to respondents who counter-apply in any existing proceedings. This would then include information about ADR and an opportunity to take part in some form of ADR. It would include a mandatory attempt at ADR resolution in children cases. Moreover we recommend the family court should have the power to refer an ongoing case into mediation or other ADR where suitable.

Indeed, we strongly recommend that ADR should be properly regarded as primary dispute resolution and that there should be primary legislation to make family law arbitration binding in law.

LEGAL AID (SECTION 4.3)

Beyond doubt, the existing legal aid system is in the final throes of meltdown and change is urgently needed. Current government policy would only further reduce the dwindling numbers of those willing to provide the service, depriving many families of access to the help they need. Access to legal advice is an integral part of family law and without it the courts will be cluttered in a way which will inevitably lead to significant delay and real risks of injustice. When people are forced to act as 'litigants in person' this slows down proceedings markedly, increases delays at court and often increases the costs.

Expenditure on this important public service is plainly low and especially in comparison with other similar services. We recommend that **budgets for family legal aid must immediately be ring-fenced, that banks should be encouraged to promote more finance for family law litigation and the courts should have power to grant interim lump sums to help with these costs.**

The taxpayer is entitled to know the true cost of public services. The real cost of legal aid in net expenditure should be made public so that income received through the operation of the statutory charge is transparent. Moreover **the statutory charge imposes an unacceptably high rate of interest upon litigants and should be reduced in line with market rates.**

We also urge a **return to the original principle of fair remuneration, so as to stem the exodus from this work.** Above all, we urge a belated recognition that access to justice, alongside health-care and education, is an essential facet of civilised society.

DOMESTIC VIOLENCE AND ABUSE (SECTION 4.4)[20]

Breakdown Britain highlighted the scale of the problem of domestic violence, which accounts for 25 per cent of all recorded crime classified as violence against the person in England and Wales.[21] The problem of domestic violence is closely correlated with the problem of family breakdown, and family breakdown dramatically raises the risk of domestic violence.

The Domestic Violence, Crime and Victims Act 2004 introduced reform both to the civil and criminal law dealing with domestic violence, and thus we have considered whether the objectives of the Act are being achieved. We have found that applications overall appear to have fallen by some 15 per cent since the implementation of the DVCV Act. The trend already in existence since 2000 was a general decline (a 16 per cent fall between 2000 and 2006) but was clearly not comparable to the current fall. The greatest concern among family law practitioners and the civil judges is that breaches are not routinely being prosecuted. In particular, there are concerns by judges of the civil family courts as to whether victims are not reporting incidents for fear of 'criminalising' the perpetrators and whether breaches of orders are being expeditiously prosecuted in the criminal courts by the Crown Prosecution Service (CPS). There are also concerns over the timescales and outcomes for those prosecutions and the effect of the change of venue on the victims.

What is **urgently needed is data as to the number of cases passed to the CPS, the number of those cases prosecuted, withdrawn or discontinuing for other reasons, the conviction/acquittal rates, and the timescales from arrest and charge to conviction/acquittal, in order to assess properly the impact of prosecution of breach in the criminal courts.** The concerns about the delay in the criminal system compared with the previous expeditious civil route are justified, as is concern about the effect of that delay on victims.

The difficulties with enforcement of domestic abuse orders must not be allowed to detract from the fundamental importance of the condemnation of domestic abuse of any form, whether between adults or to children and/or when witnessed by children. Abuse can take the form of actual physical violence, threats of violence and other forms of intimidation.

Section 5 Family Law and Children

CHILD CONTACT AND RESIDENCE (SECTION 5.1)

Breakthrough Britain attracted a large amount of evidence from many parents (especially fathers) who were dissatisfied with their legal position following divorce and separation. The parent with care of the child(ren) is often unhappy with the level and reliability of maintenance payments from the non-resident parent, whilst the latter often wishes to take issue with the level and reliability of contact with the child(ren). Breaches of contact orders made by the courts in favour of the parent without residence are not easy to remedy. The legal position of non-resident parents has been considered as well as the extent to which arrangements for 'sharing' care of the children should take account of the amount of social, educational and personal disruption a child or young person can reasonably be expected to bear: important issues around presumption of contact and presumption of the welfare of the child.

We are very aware that the Children Act was a highly respected piece of legislation, much copied across the world, with significant flexibility to adapt to changing circumstances and parenting patterns and with new and changing expectations regarding children. It was, however, drafted in an era when there was the assumption that the courts were faced with a stark choice between two alternative homes, the mother's and the father's. Increasingly the issue now

20 See also Appendix 7 for full report on Domestic Violence

21 Metropolitan Police, April 2006, *Violence against the person* (VAP) – *Summary of data and trends,* http://www.met.police.uk/foi/pdfs/priorities_and_how_we_are_doing/archive/2004/summary_performance_violence_against_the_person_2004-05.pdf

concerns the amount of time the child will spend with each parent, which may sometimes have no legal description such as residence or contact or shared residence, but simply the need to work out a sensible parenting arrangement. In this respect there were consistent submissions to the review that there should be an improvement in the legislation.

We decided that there should not be any significant *wholesale* changes to the legislation. We did, however, decide that **the Children Act needs to be amended to include principles for contact and residence that are clearer and more explicit but nevertheless leave room for flexibility and judgement in particular cases.**

Legislation should acknowledge that children are most likely to benefit from the 'substantial involvement' of both parents in their lives.

All those with parental responsibility should be considered to have an *equal status* in their children's lives following separation. Many consultees wanted this statement recorded in the legislation to indicate that the starting point is a level playing field. One parent, of either gender or the parent with whom the child may, for perhaps historic, status quo or biological reasons, temporarily be living, should not automatically have an artificial 'head start' in resolving the future best interests of the child.

We also suggest **legislation should acknowledge that children are most likely to benefit from the 'substantial involvement' of both parents in their lives.** This will be found through contact being of a sufficient frequency and duration so that each parent is able to have this substantial involvement in the child's day-to-day routine and activities.

Naturally the welfare of the child remains the paramount consideration. However **amendments to primary legislation of this form should significantly ensure that children have a continuous and good relationship with both parents despite parental separation (with appropriate caveats in place where domestic abuse is an issue).**

CONTACT CENTRES (SECTION 5.2)

We heard during the review of the excellent work undertaken by child contact centres, of which there are nearly 250 in the UK, facilitating 47,500 sessions of contact for 17,000 children a year. They are an invaluable resource for many children and parents. The simple reality is that in a good number of cases, one parent would not be able have contact with their child for weeks, perhaps months or longer, if it were not for these facilities and the staff who run them.

However we were concerned to hear that recent rearrangements in funding have meant that whilst start-up funding may be available, ongoing costs often cannot be met even with considerable volunteers and charitable support. Yet the costs of running many contact centres are relatively small, especially taking account of their considerable benefit in post-separation parenting and the costs saved elsewhere, such as in court proceedings.

There should be a **partnership of funding between central government, local government, CAFCASS and the centres themselves, whilst recognising that the centres for their part may continue to rely on volunteer work and charitable donations.** Whilst we understand that many attend these centres reluctantly and this has deterred many centres from charging, **payment by parents except for exceptional services should become the norm, given the lack of available finance for this essential service and the fact of parental responsibility.**

RELOCATION AND INTERNATIONAL CHILDREN (SECTION 5.3)

England is probably the world's most liberal jurisdiction in making relocation orders. Provided the primary carer is able to put forward good, practical, well-prepared and considered plans, and especially if they are able to demonstrate emotional and other unhappiness at having to remain, then permission to relocate will usually be given. English child relocation law has not significantly changed for over 30 years. However, as shown elsewhere in this report, patterns of parenting have changed dramatically in the past 10 years.

Changes to the *Children Act 1989,* proposed above, would be the starting point and provide guidance, where it is currently lacking, as to how the non-resident parent can be better factored into the decision-making process as regards relocation. Currently the resident parent has disproportionate 'rights' in this area, with their plans to move away being in reality the primary consideration. Instead, **there must be much greater consideration given to the wider implications for the child of a geographical relocation, and more than the simple alternative choice of with which parent to live.**

We strongly urge government to press this difficult issue forward whilst being aware that this may also require a Convention to create and bring together international consensus.

RIGHTS OF EXTENDED FAMILY (SECTION 5.4)

There has been a fresh realisation of the important roles played by other family members, especially grandparents, within the family framework. What little law there is on the subject of grandparents' rights is contested by a number of lobby groups, who perceive current injustices in the system. We have therefore been conscious of the need to enhance support for grandparents and other potential carers.

The term 'grandparents' in this section of our report includes adoptive as well as biological grandparents, although we recognise that in some situations, where biological grandparents have been closely involved with a grandchild, this could produce a conflict of interest between biological and adoptive grandparents. In such cases, the claims of the natural grandparents may also need to be considered.

There is evidence of a developing polarisation of situations: those where there is either no contact with grandchildren (something that can be painful and damaging for all parties), or those where a substantial burden of care is placed on grandparents who are themselves getting older and some of whom may be infirm or have limited financial resources.

Family law within the UK prioritises the welfare of the child and gives no automatic rights to grandparents. The current legal position is that a grandparent, prior to making any application for contact with a grandchild, needs to obtain leave of the court under Section 10(9) of the Children Act. While lawyers working in this area report that leave generally tends to be given, making the grandparent free to apply for contact in the usual way, practitioners and grandparents also report that some contact applications are drawn-out, acrimonious and expensive for the individual or, (if the applicant is publicly funded) for the state. Given the level of support for curbing or removing the two-stage process, our recommendation is that **grandparents seeking contact should not be placed in the same legal position as other extended family members or stepparents to the family who need leave to apply to the court.**

Our evidence suggested that the parties who seem to manage contact issues more amicably are those who were directed towards compromise at an early stage. We concluded that **an approach that supports and encourages *early* mediation between the grandparent and the parent with residence (like that facilitated in Australian Family Relationship Centres) may have a real prospect of producing better outcomes for the family.** This might also relieve pressure and the financial burden upon HM Court Service.

Given many parents' preference for informal childcare, especially that provided by grandparents, we also reiterate the recommendation in *Breakthrough Britain* that there be a **change in the rules to allow the use of childcare tax credit to pay unregistered close relatives (albeit at a lower rate).**

LOCAL AUTHORITY CARE AND SPECIAL GUARDIANSHIP (SECTION 5.5)

Following on from the recent Centre for Social Justice report *Couldn't Care Less*,[22] we have given attention to the role of the extended family when children are in the care of the Local Authority. The most common kinship placement is with grandparents, the next most common being with aunts and uncles. Research has concluded that **placement principles should be clearly enshrined in law and that kinship care should be treated as a distinct care type.**

22 Centre for Social Justice, September 2008, *Couldn't Care Less*

We also reviewed how Special Guardianship Orders (SGOs) impact the rights of grandparents and extended family members and have found that these Orders can enhance the stability of these, often very vulnerable, children's lives. The implementation of SGOs could be helpful to the claims of grandparents and extended family members who would like to have more say in the daily affairs of the child that they are responsible for, whilst not becoming their adoptive parents.

Grandparents can be central in retaining family cohesion in difficult circumstances, lending support and being a source of advice and experience. Current research has revealed the extent to which this is often the case in the special circumstances of parents affected by drug abuse and its consequences.[23]

We recommend that **positive steps be taken to enable regular contact with parents, grandparents, siblings, and other relatives, since this can have a positive influence as far as successful rehabilitation is concerned,** while lack of contact can affect crucial decisions such as whether or not to discharge a care order or to dispense with parental agreement to adoption. We believe that **an enhanced duty to promote contact with alternative family members for children in care should mean that close family members are seen as potential carers *before* a child is placed into Local Authority care.**

THE ROLE OF FAMILY, DRUG AND ALCOHOL COURTS (SECTION 5.6.1)

The safety and interests of the child are clearly paramount and often courts have to remove a child from drug-misusing parents. However, this may not always be the best option and we have considered alternatives to what can be a harsh and arbitrary mechanism, such as the Family, Drug and Alcohol Court being piloted at the Inner London Family Proceedings Court. Whilst it is still early days in this initiative, and evaluation is on-going, we were impressed by what we saw and heard on our visit to this Court. The project in California which inspired this initiative has seen an 80 per cent success rate in rehabilitating parents with addictions, so as to prevent them losing their children to the care system.

> “84 per cent of the public, when questioned in our YouGov poll whether drugs courts should be more widely available across the UK, thought that it was a good idea.”

We strongly recommend the wider implementation of drugs courts. There is widespread public support for their introduction.

Section 6: Family Law and Finance

PRE-MARITAL AND MARITAL AGREEMENTS (SECTIONS 6.1.2 AND 6.1)

England and Wales is unusual across Westernised family law jurisdictions in not having binding pre-marriage agreements (also known as pre-nuptial agreements or pre-nups) or other marital agreements. However, in the past 18 months or so, perhaps accelerated by increasingly generous financial provision on divorce, there have been several reported higher court decisions in which the existence of marital agreements has been described as of ‘magnetic importance’ and ‘paramount’ importance.[24] The position in law must now be made clear by Parliament.

We have concluded that considering pre-marriage agreements is consistent with a very deliberative approach to getting married and fits into our proposals elsewhere in this report for obtaining information before marriage, which we hope and expect will become the cultural norm. We do not suggest that they should become mandatory or indeed that there should be an expectation that they become the norm for married life. They are an opportunity of binding legal status for those who want them.

23 ICS Working Paper 7, May 2004, *The Grandmother Project – towards a new partnership between family and state*
24 *Crossley* [2008] 1 FLR 1467 and *W v H* [2008] EWHC 2038

In order to create safeguards, we have set out a number of pre-conditions, based on government recommendations in 1998. We concluded that **it would be unjust to have legislation for binding pre-marital agreements without the courts having some discretionary opt-out to intervene for justice and fairness in exceptional circumstances and we recommend retaining the wording proposed by the Government in 1998 for the discretionary opportunity to open up an agreement, namely *significant injustice.***

We believe there is good reason to extend this provision to all marital agreements, civil partnership agreements, separation agreements (and cohabitation agreements), with the same preconditions and limited discretion to intervene.

FINANCIAL PROVISION ON DIVORCE (SECTION 6.2)

There have been consistent calls since the mid-1990s for Parliamentary reform of financial provision on divorce. The House of Lords decision in the landmark case of *White v White* in 2000 alleviated the need temporarily, as it set financial provision in a very different direction, concentrating on a starting point of equality of division of all assets. Nevertheless the calls for reform have returned, as strongly as before and at all levels, for example by the Court of Appeal in *Charman v Charman* in 2007.

The way the law treats financial provision on marital breakdown has a fundamental impact on the way individuals and society treat marriage.

However in considering this we have been very anxious that the issue should not be viewed narrowly and referable only to fairness and justice on marital breakdown. The way the law treats financial provision on marital breakdown has a fundamental impact on the way individuals and society treat marriage, including the respect for sacrifices made within marriage and in child raising. If the law gives very little respect to marital commitments and sacrifices, in the perception of the public of financial outcomes on divorce, then there is a very real risk that fewer people will be prepared to make prejudicial commitments for marriage and their spouse. The converse is that if the law provides for very substantial financial outcomes, relative to the overall assets, then there will be a disincentive for some to get married, possibly leading to more cohabitation. The impact on the respect for marriage and marital commitments has been high in our consideration of reforms of financial provision on divorce.

Parliament's failure to engage in this area of law since 1973 has meant that the judges have had to fill the gap left by Parliament and have created and adapted the law to fit changing social circumstances. On the dissolution of marriage, the courts have a wide discretion to adjust a couple's worldwide assets by way of property adjustment orders, lump sum orders, pension sharing orders and periodical payments. The requirement in the law is to produce a fair settlement. Fairness comprises needs, sharing and compensation. Thus the principle of English financial provision on divorce is equal sharing of all assets unless there is a 'good reason to depart from equality'.[25]

One of the greatest features of the English system is the discretionary element. However this advantageous discretionary system has an equally substantial disadvantage in that it is very difficult to predict with any reliability and certainty what will be the outcome of a particular case if it were to go before a court for adjudication. This decreases prospects of out-of-court settlements and increases costs. England is also a good jurisdiction in recognising and allowing compensation for marital commitment and sacrifice, which must continue and be strengthened. However, in a series of cases in the past 12 months the higher judiciary have seemed to reduce the opportunity for compensation provision rather than strengthen it.

25 Para 65 of Charman Judgement. See *Charman v Charman* [2007] EWCA Civ 503

Whilst the present law and system has many disadvantages, we have been conscious that we must not lose the many good elements of the present system. We have reviewed models of divorce financial provision abroad – such as the European community of property model, the automatic division of assets in New Zealand, and the short-term maintenance situation in Scotland and Scandinavia – but we have been convinced that we need to build on the benefits of the present discretionary model, whilst at the same time create more certainty and predictability to lead to more settlements out of court, preferably earlier and more cheaply.

We propose greater usage of web-based electronic calculations, similar to the tables used after the Budget, produced by HM Treasury, which set out the impact of the Budget on a wide variety of families. They are illustrative only and many families do not fit any of the tables. Nevertheless, they offer an informative guide to the Budget outcome for a wide variety of families. We consider that it should be possible to create something similar to the Budget tables for divorce and thereby help very many families. We emphasise this would not be determinative and that assistance from lawyers may (or would) still be required. Nevertheless, we believe that this should be actively explored and we suspect many members of the public would welcome this opportunity as an aid towards predicting a fair divorce financial settlement. **We recommend further options available using the internet for dealing with ancillary relief, ways to overcome the problem of layers of conflicting judicial decisions and suggest more powers for the court to obtain more reliable disclosure.**

Our proposal on financial provision is that all assets of the couple on divorce should be categorised into marital assets and non-marital assets and divided differently. Marital assets should be divided equally subject to overriding calls on those assets, and non-marital assets should stay with the relevant spouse again subject to overriding calls on those assets and unless there is any good reason to make any distributive orders. Non-marital assets would be pre-marital assets, inheritances or gifts and certain post-separation assets with provision that some non-marital assets would become marital assets in particular circumstances and over time.

The court would have power to make different orders if there was significant injustice but otherwise the present very wide discretion would be fettered. The overriding calls would be first to provide accommodation, and other capital needs, of the children with each parent during the minority of the children and secondly to provide for any prejudice arising to one spouse because of commitments to or sacrifices for the relationship, the other spouse or child raising. In this regard we have borrowed from the Law Commission's recommendations in respect of cohabitation (but applied them to divorce) namely 'unjust enrichment and retained benefit'. The third overriding call would be reasonable needs, although more narrowly construed than present law.

We believe this proposed legislative model could be converted into a web-based computer programme to help more couples make better progress towards a settlement.

We have deliberately not proposed dramatic and radical reform because we consider that **some of the essential elements of the existing law are of fundamental and valuable importance, accord with English national mores and values, and should be retained. It is fettered discretion, whilst acknowledging that marriage creates obligations and commitments which should be rightly recognised.**

TAXATION (SECTION 6.3)

Over the past decade fiscal policy has moved away from any support or endorsement of any particular form of domestic relationship, so that there is now no fiscal benefit within income tax in being married. Conversely, in the vast majority of European countries, the income tax system explicitly recognises marriage and takes into account family responsibilities towards both children and dependent spouses.

Breakthrough Britain proposed that transferable tax allowances be available for married couples, acknowledging the reality that if one spouse is not working outside the home a family requires more, not less,

support from the tax system. As part of a joined up message and endorsement by Government of the importance of marriage to children, families and the country, **we recommend that there should be some benefit from the fiscal provision to those who are married.**

Section 7 Family Law and Alternative Family Structures

THE HUMAN FERTILISATION AND EMBRYOLOGY ACT AND 'FATHERS NOT INCLUDED' (SECTIONS 7.1 AND 7.2)

Reproductive technology has facilitated the trend towards legal and social rather than biological parenthood. However children still need to know where both parts of their genetic material have come from if their identity is not to be compromised, and to benefit greatly from the engagement of parents of both sexes in their upbringing.

The Human Fertilisation and Embryology Act 2008 was of central concern to the Family Law Review. Therefore we compiled an earlier report, *Fathers Not Included*,[26] published during the passage of the legislation through Parliament to address some the issues it raises on family and parenting, as well as to highlight other related issues to which we have given ongoing consideration.

This report opened up a necessary debate on how best to safeguard the interests of children born with the help of donor-assisted reproduction. It concluded that the needs of childless adults are disproportionately represented in the HFE Act. We remain concerned to ensure that the interests of adults are not elevated over those of children in a way that is sharply at odds with other aspects of government policy and that has profound implications for society. In particular, then, as a group especially concerned with family law, we **object to the falsification of the birth certificate, which has always been intended to be a true record of a person's birth origins and genetic parentage as far as that is known. We therefore recommend greater transparency in the birth registration system and moving birth certificates to the General Register Office. We further recommend introducing an adapted 'special guardianship' status and over the longer term, we recommend continuing and starting new, qualitative research to compare outcomes for children born in alternative household structures, both in their early years and later in life.** Whilst the law has to take cognizance of the implications of new assisted reproduction technology, nothing should be codified which will diminish or discount the importance of biological parenthood.

Section 8 International families

The international dimension to family life and family law is now fundamental. We are in Britain living in an international community. Moreover, the UK is a member of the European Union which has a vigorous programme of family law reform. Whilst we have endeavoured to draw upon experience and practice from other jurisdictions, we have been conscious that there is little harmony across the world on some of these issues and, moreover, not much harmony on how to solve them. Family law is culture and society specific, so that what may work well in one country at its stage of development and family background and ethos may not be appropriate elsewhere. Thus, whilst we do draw upon working examples from other jurisdictions, our focus and final recommendations are specifically intended for UK family law.

In April 2009, we produced a report, *European Family Law: Faster Divorce and Foreign Law*,[27] looking at the challenges to English family law for EU reforms. **We condemned the rush to the divorce court created by the European Union legislation known as *Brussels II*, which gives priority to the spouse who first issues proceedings**

26 Centre for Social Justice, 2008, *Fathers Not Included: A Response to the Human Fertilisation and Embryology Bill*
27 Centre for Social Justice, April 2009, *European Family Law: Faster Divorce and Foreign Law*

when two countries have the opportunity to deal with the divorce case. We strongly advocated that England should only ever apply English law in family law cases and **oppose the attempted introduction by the European Union of applicable law, whereby the family courts of England and Wales would be required to apply the law of a foreign country.** We urged **slower EU reforms to take account of the considerable impact on national family life.**[28]

Conclusion

The Family Law Review has sought to build on and develop the work of the Family Breakdown Working Group in *Breakdown Britain* and *Breakthrough Britain*. These reports revealed the true and increasing scale of family breakdown in Britain and the devastating impact it is having both on individuals and wider society. They showed that, at the most fundamental level, family structure and family process matters: evidence shows that outcomes for both children and adults are *not* equal regardless of family background, and public policy should reflect this. Children growing up in healthy, married, two-parent families are more likely to lead happy, healthy and successful lives than those who have not experienced the same level of family security and stability. As such, *Breakthrough Britain* made a series of recommendations aimed at supporting and strengthening families, a number of which are reiterated in this report.

Action must now be taken by Parliament to reverse this culture of relationship breakdown.

The focus of this report was to establish the role the judiciary plays in strengthening or weakening family relationships, and how best family law can be reformed to reflect the importance of healthy, stable families for both adults and children and minimise the potential for conflict. Very little has been done by Parliament either to acknowledge the damaging trend of family breakdown or, crucially, to do anything meaningful about it. This report seeks to rectify this unacceptable situation.

We are proud of our English family law and the English family law system. It has incredible benefits and advantages, many of which have been adopted by other countries. We are, however, equally aware of some its fundamental failings. Parliamentary neglect of family law for so long has weakened a once superb system. Excellent attempts to patch it up by judges, legal practitioners and others working with families, and even create completely new extensions as the family life of our country has grown and changed, can only go so far. It is now time for Parliament to take action on the areas recommended in this report.

We offer this report to government, Parliament, the family law professions and to society. Most importantly, we offer it to those who are married, considering marriage and to families and children whose health and stability is reflective of that of our nation. If implemented, the recommendations contained in this report will support and strengthen family relationships, making society stronger for this and future generations.

28 Throughout this report, reference to research and institutions is primarily UK but the law referred to is primarily England and Wales. (References to England in this regard includes Wales.) We are conscious that Scottish family law is very different. We propose a similar report applied for Scotland and Northern Ireland.

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The Centre for Social Justice is deeply indebted to the Doha International Institute for Family Studies and Development, without whose support the publication of this report would not have been possible.

About the Centre for Social Justice

The Centre for Social Justice aims to put social justice at the heart of British politics.

Our policy development is rooted in the wisdom of those working to tackle Britain's deepest social problems and the experience of those whose lives are affected. Our working groups are non-partisan, comprising prominent academics, practitioners and policy makers who have expertise in the relevant fields. We consult nationally and internationally, especially with charities and social enterprises who are the champions of the welfare society.

We are not a typical Westminster 'think-tank'. In addition to policy development, we foster an alliance of poverty fighting organisations that reverse social breakdown and transform communities.

We believe that the surest way the Government can reverse social breakdown and poverty is to enable individuals, communities and voluntary groups to help themselves.

The CSJ was founded by Iain Duncan Smith in 2004, as the fulfilment of a pledge he made to Janice Dobbie, a mother whose son had recently died from a drug overdose after he was released from prison.

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Supported by the Doha International
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